

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

G.F.F.; and J.G.O.; on their own behalf and on
behalf of others similarly-situated,

Petitioners–Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; PAMELA BONDI,
Attorney General of the United States, in her
official capacity; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security, in her
official capacity; U.S. DEPARTMENT OF
HOMELAND SECURITY; TODD LYONS,
Acting Director of the Director of U.S.
Immigration and Customs Enforcement, in his
official capacity; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; MARCO RUBIO,
Secretary of State, in his official capacity; U.S.
STATE DEPARTMENT; WILLIAM P. JOYCE,
in his official capacity as acting New York Field
Office Director for U.S. Immigration and Customs
Enforcement; PAUL ARTETA, in his official
capacity as the Director of the Orange County
Correctional Facility;

Respondents–Defendants.

Case No. 1:25-cv-02886

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Petitioners and the proposed class are in imminent danger of being removed from the United States and/or being transferred outside of the Southern District of New York—and this Court permanently losing jurisdiction.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act, Plaintiffs-Petitioners and the proposed class hereby apply for a temporary restraining order against Defendants-Respondents (“Defendants”). Petitioners are civil immigration detainees who are at substantial risk of immediate, summary removal from the United States pursuant to use of the Alien Enemies Act (“AEA”), 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Defendants’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the Executive Branch by Congress. Defendants’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order, Petitioners will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioners are removed to the custody of another country, or transferred from the Southern District of New York, this Court will lose jurisdiction.

In support of this Motion, Petitioners rely upon the accompanying memorandum in support of a Temporary Restraining Order, declarations, and motion and memorandum for class certification. A proposed order is attached for the Court’s convenience. Petitioners respectfully request that this Court grant this emergency application and issue a temporary restraining order as soon as possible.

Dated: April 8, 2025

My Khanh Ngo*
Noelle Smith*
Oscar Sarabia Roman*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
(415) 343-0770
mngo@aclu.org
nsmith@aclu.org
osarabia@aclu.org

Respectfully submitted,

/s/ Daniel Galindo
Daniel Galindo
Lee Gelernt
Ashley Gorski
Omar C. Jadwat
Hina Shamsi
Patrick Toomey
Sidra Mahfooz*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2660
lgelernt@aclu.org
dgalindo@aclu.org
agorski@aclu.org
ojadwat@aclu.org
hshamsi@aclu.org
ptoomey@aclu.org
smahfooz@aclu.org

Amy Belsher
Robert Hodgson
Molly Biklen
New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004
Tel: (212) 607-3300
abelsher@nyclu.org
rhodgson@nyclu.org
mbiklen@nyclu.org

Attorneys for Plaintiffs-Petitioners
**Pro hac vice motions forthcoming*